



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,945	12/20/2001	Dalsu Lee	14305STUS01U (22171.289)	2615
27683	7590	10/19/2005	EXAMINER CASCHERA, ANTONIO A	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ART UNIT 2676	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,945

Applicant(s)

LEE, DALSU

Examiner

Antonio A. Caschera

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Affidavit Under 37 C.F.R. 1.131

1. The declaration filed on 08/16/2005 under 37 CFR 1.131 is sufficient to overcome the Heeren et al. reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al. (U.S. Patent 6,559,860 B1), Butler et al. (U.S. Patent 6,141,724) and further in view of Shaw et al. (U.S. Patent 6,362,836 B1).

In reference to claims 6 and 22, Hamilton et al. discloses a method and apparatus for defining and connecting graphical objects to one another in an object oriented computing environment (see column 1, lines 11-13). Hamilton et al. discloses the invention being run on a variety of computers or computing systems (see column 2, lines 64-67) wherein one of the systems comprises a server communicating with another "node," further defined as another device, processor, etc., via a network (see column 11, lines 17-20 and Figure 8). Hamilton et al. also discloses the possibility of the server including a separate processor operating remote from the application with information being transferred across the network (see column 11, lines 44-

Art Unit: 2676

47). Hamilton et al. discloses the server to use DDE (Dynamic Data Exchange) request strings to access information (see column 11, lines 30-31). Hamilton et al. also discloses the request strings to return, to the server, data corresponding to certain application and topic names (see column 11, lines 30-41 and Figure 8). Note, the Office interprets the DDEserver of Hamilton et al. to inherently perform the functions of the import module of Applicant's claims since the requested data in Hamilton et al. is returned back to the server and further used in application building (see column 11, lines 20-27 and Figure 1). Although Hamilton et al. discloses a graphical interface for displaying objects (see Figures 12-15), Hamilton et al. does not explicitly disclose the GUI serving as an application builder, displaying objects using at least two icons wherein the second icon can be positioned relative to the first. Butler et al. discloses system for programming telephony applications using object orientated language (see columns 1-2, lines 67-7). Butler et al. discloses the system comprising a server/client communication where the server is running an application builder that constructs an application in stand alone program code according to an application design, made by an application designer included on the client (see column 3, lines 14-17 and #10, 12, 30, 32 of Figure 1). Butler et al. further discloses the application designer to comprise of a GUI which displays representations of component objects as icons, the objects mapping to actual methods or actions of codes (see columns 3-4, lines 57-6). Butler et al. also discloses that the icons can be positioned relative to each other, representing a flow of the telephony program (see column 4, lines 16-24 and Figure 3). Note, the Office interprets the application builder of Butler et al. functionally equivalent to the generation module of Applicant's claims. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the object oriented application/server computing

Art Unit: 2676

techniques of Hamilton et al. with the visual telephony programming generation techniques of Butler et al. in order to create or modify a visual representation of a desired program flow, making it easier for a user to create or modify scripting code by allowing the user to create or modify the code remotely (see column 1, lines 43-48 and column 6, lines 26-37 of Butler et al.). Although Butler et al. discloses the programming of a STOP function within the application designer (see #40C of Figure 3), neither, Hamilton et al. nor Butler et al. explicitly disclose the server suspending an operating thread of the script however Shaw does. Shaw et al. discloses a universal application server configured to suspend the instance of an application running and initiated by a user (see column 14, lines 32-39 of Shaw et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the object oriented application/server computing techniques of Hamilton et al. and the visual telephony programming generation techniques of Butler et al. with the application server capabilities of Shaw et al. in order to create a more efficient distributed processing system, balancing and managing loads and sessions in a client server network environment (see columns 3-4, lines 66-3 of Shaw et al.) releasing unused resources.

In reference to claim 7, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above in addition, Hamilton et al. discloses the graphical objects of the invention programmed in C++ or VBA (see columns 3-4, lines 62-20 and columns 4-5, lines 24-4) which the Office interprets as a “non-script programming language.”

In reference to claim 8, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above. Since Butler et al. discloses both the server and client comprising of hard disk drives (see columns 2-3, lines 65-7 and column 3, lines 24-28), the

Office interprets that either elements of Butler et al. inherently and at least temporarily store the designed script.

In reference to claim 9, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above. Butler et al. discloses the system comprising a server/client communication where the server is running an application builder that constructs an application in stand alone program code according to an application design, made by an application designer included on the client (see column 3, lines 14-17 and #10, 12, 30, 32 of Figure 1).

In reference to claim 10, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 6 above. Butler et al. discloses the application designer to comprise of a GUI which displays representations of component objects as icons, the objects mapping to actual methods or actions of codes (see columns 3-4, lines 57-6).

In reference to claim 11, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 10 above. Butler et al. further discloses the application designer to comprise of a GUI which displays representations of component objects as icons, the objects mapping to actual methods or actions of codes (see columns 3-4, lines 57-6). Note, with reference to Figure 3 of Butler et al., the Office interprets all the objects (see all icons stemming from #42c in the window #51) branching from the "Answer Call" object (#42c) as sub-objects since all of the branched to objects occur when a call is answered.

In reference to claim 12, Hamilton et al., Butler et al. and Shaw et al. disclose all of the claim limitations as applied to claim 10 above. Butler et al. further discloses the application

Art Unit: 2676

designer to comprise of a GUI which displays representations of component objects as icons, the objects mapping to actual methods or actions of codes (see columns 3-4, lines 57-6).

Response to Arguments

3. Applicant's arguments, see pages 1-2 of Applicant's Remarks, filed 08/16/2005, with respect to the rejection(s) of claim(s) 6-12 and 22 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn due to the filing of an affidavit under 1.131. However, upon further consideration, a new ground(s) of rejection is made in view of Butler et al. (U.S. Patent 6,141,724).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

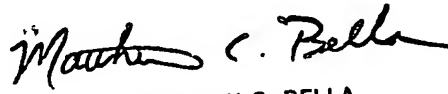
or faxed to:

Art Unit: 2676

(703) 872-9314 (for Technology Center 2600 only)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


aac



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

10/15/05